

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

CB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/127,571    07/31/98    VARGHESE    P    COMP:0016

001200    PM82/1010  
AKIN, GUMP, STRAUSS, HAUER & FELD  
711 LOUISIANA STREET  
SUITE 1900 SOUTH  
HOUSTON TX 77002

EXAMINER
----------

TRAN, K

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 10/10/00

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**Application No.  
**09/127,571**Applicant(s)  
**VARGHESE ET AL.**Examiner  
**KHOA TRAN**Group Art Unit  
**3634**☒ Responsive to communication(s) filed on Jul 17, 2000.☒ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**☒ Claim(s) 1-21 is/are pending in the application.Of the above, claim(s) 9 and 17 is/are withdrawn from consideration.☐ Claim(s) \_\_\_\_\_ is/are allowed.☒ Claim(s) 1-8, 10-16, and 18-21 is/are rejected.☐ Claim(s) \_\_\_\_\_ is/are objected to.☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.☒ The proposed drawing correction, filed on Jul 17, 2000 is ☒ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☐ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3634

## **DETAILED ACTION**

### ***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on July 17, 2000 have been approved.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 10-16 and 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 1, it is not known whether a combination or subcombination is being claimed because the preamble implies the “computer system” being a subcombination, while the body of the claim positively recites the element that required the combination. This rejection is also applied to claim 7. With respect to claim 12, lines 9-10, there is no antecedent basis for “the other slide assembly”.

Art Unit: 3634

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Herrick.

Herrick discloses a rack mounting system comprising a cover (14) that is integrally formed with sides (15, 17) that have support rails and recesses (24, 26) at the bottom thereof. The support rails are securable with the slide assembly (12), see Figures 2 and 5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, 10, 12, 13, 15, 16, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings et al. ('441) in view of Good et al. ('256), Herrick, and J. R. Jones et al. Hastings et al. ('441) disclose a rack mounting computer system (10) comprising a rectangle configured cabinet (12) enclosed by access sides and rear panels (16, 20), and an access door (22)

Art Unit: 3634

that is secured to the front side of the cabinet. The cabinet is designed to have the supporting rail structures (52) that are attached to the side panels for supporting the slidingly computer component server (32a). The server has a telescoping slide rails at the lower end of its peripheral side walls (48) for cooperatively engage with sliding rail assemblies (54, 56) and supporting rail structures (52). A mounting cable support bracket (122) that has hinges and flanges connect between the rear sever and the rear post (28) of the cabinet such that the bracket is extending out and retract as the server slid in and out of the cabinet. See Figures 1-4. Good et al. ('256) teach the peripheral side walls at the lower end (30) of the server component sides having a recess that is indented inwardly for rails (48) to attach along the providing recess. See Figures 1 and 3.

Herrick teaches the server component having a cover (19) that is integrally formed with sides that have support rails and recesses (24, 26) at the bottom thereof, see Figures 2 and 5. J. R. Jones et al. teach the two identical opposite rails system comprising a support rail (A) that is supporting slide rail (c) and telescopingly mated in a stack transverse direction with other rail (B) so that to form a set of a rail assembly. The support rail has a central web with an upper and lower flanges (10, 11) formed thereof at the top and bottom, see Figure 11. The web has a longitudinal axis that is dividing the web into the upper and lower mounting regions. (It should be noted that all objects have a longitudinal axis). There are attaching means (20) located at the upper and lower securement regions of the web. The slide rail (c) is specifically recited as having a less vertical depth than the supporting rail so that it fixed at the lower edge portion of the support rail, see column 2, lines 21-23. See Figures 1-13. Considering the disclosure Hastings et al. ('441) and

Art Unit: 3634

the teachings of Good et al. ('256), Herrick and J. R. Jones et al., taken as a whole, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the computer component sides of Hastings et al. ('441) with a recess at the lower end of the component sides as taught by Good et al. ('256) in order the slide rail portion that is mounted thereon the recess to be flushed with the side wall of the computer system server. Further, it would have been obvious matter of design choice to one of ordinary skill in the art to have made the server component of Hastings et al. ('441) with the top cover and sides of the server component to be integrally formed in order to have the cover and the sides to be a one piece component. One of ordinary skill in the art would have been further motivated to provide the rack mounting computer system of Hastings et al. ('441) with the rail system as taught by J. R. Jones et al. in order to have the slide rail that is telescopingly mated in a stack transverse direction with other rail to form a slide assembly because it is well-within the level of skill in the art to utilize known features of the art for the purpose for which they are known. With respect to the slide rail assembly having a height less than half the distance of the support rail, it would have been an obvious matter of choice of design at the time of the invention to have made the slide rail assembly half the height of the support rail for a particular application thus producing no new and unexpected results. Also, it should be noted that J. R. Jones is specifically teaches the slide rail assembly is less depth/height than the supporting rail.

Claims 2, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings et al. ('441) in view of Good et al. ('256), Herrick, and J. R. Jones et al. as applied to

Art Unit: 3634

claims 1, 3-8, 10, 12, 13, 15, 16, and 18-21 above, and further in view of Kofstad ('337).

Kofstad teaches the support rail (54) that has a plurality of apertures on the upper and lower mounting regions for receiving fasteners, see Figure 4. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the support rails of Hastings et al. ('441) with the plurality of apertures as taught by Kofstad in order for support rails to be enabled to receive the plurality of fasteners to further enhance the securement of the rail to the structure that is being mounted to.

***Response to Amendment***

Applicants' arguments with respect to claims 1-8, 10-16 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

DS With respect to applicants' remarks on page 3, second paragraph, that claims 1 and 7, "the computer component remains a subcombination". It should be noted that claims 1 and 7 are still reflected as a combination claimed since the claims ~~are~~ positively set forth the computer component is to be required with the rail assembly.

With respect to applicants' express the absent of the teaching of a cover that is integrally formed with the sides thereof, it should be noted that it is well-established case law that to make integral is not considered to be an inventive concept. See In re Larson, 144 USPQ 347 (CCPA 1965). Further, as advanced above, Herrick does teach the cover that is integrally formed with the sides thereof.

Art Unit: 3634

The new grounds of rejection were necessitated by applicants' amendment, e.g., "a cover for said component extending to said recess" in claim 1, line 7.

Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday and every other Friday from 8:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.



Art Unit: 3634

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

If the applicant is submitted by facsimile transmission, applicants are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. \_\_\_\_\_ ) on \_\_\_\_\_  
(Date)

Type or printed name of person signing this certificate:

\_\_\_\_\_

\_\_\_\_\_  
(Signature)

Furthermore, please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary

Application/Control Number: 09/127,571

Page 9

Art Unit: 3634

delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Khoa Tran

October 06, 2000

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

Daniel P. Stodola  
Supervisory Patent Examiner  
Group 3800